

1887-002 Chancery Causes: Prior W. Bales & vs. Joseph P. Bishop &
Lee Co.

Thomas, Warren, Jones, Ely, Mize, Doyle, Snodgrass, Andis

1 Plat

CA - Contract Dispute
T - Property

To the Hon, H.B.K. Merison Judge of the Circuit
Court of Lee County Virginia.

Humbly Complaining your Orators Prior W. Bales and
William D. Thomas, would respectfully represent, that
about the month of May 1867, one Catharine Warren
as administratrix of her deceased husband, Harrison
Warren, instituted in your Honors Court a chancery
suit against William M. Warren, Nancy Warren, Theresa
Warren³, Melinda Warren⁴, Endoia Warren, Laura B. Warren
Larkin Warren⁷, Mary J. Warren⁸, Martin Warren Sarah Warren,
& Susan Warren as her children and the heirs at law of said
Harrison B. Warren dead & others the object of which suit was
to settle up the entire estate of said H. B. Warren dead, and
to sell so much of his real estate as would pay off and
discharge the debts and liabilities against the same.

Your Orators state that said suit was so proceeded with
as that a decree was entered therein, ordering a sale of
so much of said real estate of the said H. B. Warren dead, as
would pay the debts and liabilities against his estate, and
Genl. Peter C. Johnston then living but now dead, was appointed
a Commissioner to make a sale of said real estate.

Your Orators state that said Commissioner Johnston pursuant
to said decree did sell all the real estate belonging to said
H. B. Warren dead, which descended to his heirs at law, above named,
in accordance with the requirements of the decree under which

he was acting at which sale one Joseph P. Bishop became the purchaser of all of said real estate at the price of \$405.00 as will fully appear by the proceedings had in said cause now filed in the clerk's office of your Honors court,

Your Orators further state that said Court. Johnston made to the Court a report of said sale and the same was at a subsequent time confirmed by a decree entered in said cause.

Your Orators further state that said Joseph P. Bishop the purchaser of said land paid to said Court. P. B. Johnston the full and entire purchase price for said land, and said Court. Johnston distributed the same among the creditors of said H. B. Warren dead, so that in fact and in law the said Joseph P. Bishop became entitled to a deed of conveyance for the land so purchased by him, but no such deed of conveyance was ever made, and said cause was many years ago dismissed and stricken from your Honors docket. Your Orators further state that said Joseph P. Bishop bargained and sold to your Orator W. D. Thomas a part of the tract of land so purchased by him and the same is particularly described by his title bond executed to said W. D. Thomas and herewith filed marked (A) as a part hereof.

Your Orators further state that said Joseph P. Bishop bargained and sold to your Orator Prior W. Bales the residue of the land so purchased by him as is shown by his title bond herewith filed as a further part of this bill marked (B) And your Orator Bales has recently had the same surveyed by a competent surveyor

and a plat thereof made, and the same is herewith filed as a further part hereof marked (B). The land so bargained and sold by said Bishop to your Orators contains by actual measurement 138 acres & 41 poles.

Your Orators further state that since said death of Nathaniel Warren administration &c. of Wm. M. Warren & others was instituted the said Mary J. Warren married Marshall Jones and the latter is now dead. The said Martha Warren married A. M. Ely & she is now dead. The said Sarah Warren married D. Jones. The said Susan Warren married Jesse B. Mize. The said Malinda Warren married George Doyle. The said Eudocia Warren married Henry Goodgrass who is now dead. And the said Laura B. Warren married Melville Andis and she after giving birth to three children died leaving said three children her heirs at law to wit. Wm. Andis, Emma Andis & Melville E. Andis all of whom are minors under 21 years of age.

Your Orators state that said Joseph P. Bishop has moved to the state of Missouri without procuring the title to the land so purchased by him, and of course without making a title to the parcels sold by him to your Orators respectively. The said Wm. M. Warren D. Jones and Sarah Jones his wife, George Doyle and Malinda Doyle his wife are also now residents of the state of Virginia.

Your Orators are advised that the legal title to the land so purchased by said Bishop and sold by him to your Orators as aforesaid is still in the children and heirs at law of said Nathaniel B. Warren before named, and they are also advised that under

the facts of their case, they having fully paid said Bishop for said land, that they are entitled in a court of equity to have the legal title to said land conveyed to them by proper deed of conveyance, and to obtain that end is the object of this suit. The premises considered Your Orators pray that said Joseph P. Bishop, Wm. M. Warren, Nancy Warren, Feresa Warren, Larkin Warren, Mary J. Jones, Martha Ely, Sarah Jones, D^r Jones, Jesse S. Mize Susan Mize George Doyle, Malinda Doyle, Endocia Snodgrass, Wm. Andis, Emma Andis + Melville E. Andis be made defendants to this bill, and be required to answer the same fully on oath, that an order of publication be entered posted and published against Joseph P. Bishop, Wm. M. Warren, Sarah Jones, D^r Jones, George Doyle and Malinda Doyle. that a guardian ad litem be appointed for said William, Emma, and Melville E. Andis to defend their interest in this cause, and upon a hearing thereof a decree for specific execution of said contracts be entered and a commissioner be appointed and directed to convey to your Orators respectively the lands purchased by them from said J. P. Bishop and if in any wise mistaken in this their Special prayer then they pray for all general relief May the Commonwealth writ of Spe. issue directed &c.

Henry J. Mergen for Plffs.

Clerk 8.19

S 5.00
G. A. L. 5.00
Dr 5.00
W 15.00
\$38.19

Boles & Thomas

E. J. M.

as. } Bill

Joseph P. Bishop

Bill filed

1887 Nov. 3rd on home

defts & D. N. as to them

" said Order Pub as non
residents & could

" Decr. D. Nisi could as to
home defts & could for
order Pub. completed

Decr. Decree final

4)38.19

Bales & Thomas
vs ^{and} Ans G. A. L. }
J. P. Bishop

The answer of Jms M Morgan
your Guardian Litem for William Andis
Emma Andis. Melville E. Andis Infants
to a Bill filed in this honorable Court
against them and others by Prior
W. Bales & W. D. Thomas

Respondent says that his said wards
are young and of tender years
and of such are the ^{objects of} peculiar ^{care}
~~and~~ by Courts of Equity and as
such, in this case your respon-
dent respectfully trusts the interests
of his said wards in the Bill &
proceeding mentioned to your Honor.

Respondent knows of no reason why
the prayer of the Plaintiffs Bill
should not be granted, his said
wards being very young and
non residents, thus rendering it
impossible to communicate their
real desire in the premises.

Respondent says however he can
see no damage whatever could
result to his wards from the
prayer of said Bill, Respondent

having now as fully answered as deemed
necessary, would respectfully commit
the interests of his said wards in
the bill mentioned to this Court
& pray that they hence be dis-
missed with their costs

Very Respectfully
J. M. Morgan
By A. L. Little

Bales & Thompson
vs
Mrs G. A. Little

J. P. Bishop

Filed Nov. 1887
J. G. Hyatt

Boles & Thomas

Plffs.

vs

Joseph P. Bishop & al

Defts

} In Chy

This cause came on to be finally heard on the papers heretofore read therein, and the report of Special Com. H. J. Morgan this day filed, showing that he had executed the two deeds of conveyance one to the Plff Thomas and one to the Plff Boles in conformity to a former decree in the cause, and was argued by counsel and the said report and deeds being unaccepted to, on consideration thereof it is adjudged ordered and decreed that said report and deeds be confirmed, and the clerk of this, will deliver said deeds to the clerk of the county court of Lee county for recordation, and it is further adjudged that deft J. P. Bishop pay the plaintiffs the costs & each of said plaintiffs will pay Com. Morgan \$2.50 as a fee for said deeds, of this writ, and no further action being necessary the parties are hence dismissed and the cause stricken from the docket.

Bales & Thomas

as. } Decm¹⁰ final

Joseph P. Bishop tal

Entered page 107

COB No. 3

J. G. Mattae

Entered this decem

Dec. 9 1887.

H. S. K. M.

Bales and Thomas.

vs.

Joseph P. Nichols others

Peffs

In Chy

Defts

This cause came on this day to be heard on the bill of the Peffs and exhibits therewith taken for confessed by all the adult defendants. and the answer of the infant defendants by John M. Morgan their guardian ad litem and was argued by counsel. And it appearing to the court by the bill and exhibits that the Peff Thomas is entitled to have a deed of conveyance from the defendants for the tract of land described in exhibit A. with the peffs bill, and that the Peff Bales is entitled to a deed of conveyance from the defendants for the tract of land referred to in exhibit (B) and accurately described by metes and bound by exhibit (C) with the plaintiffs bill. On consideration of all which It is adjudged ordered and decreed that the defendants be divested of the legal title to said lands and the title thereto invested in Henry J. Morgan who is made a Special Commissioner for the purpose. And he is directed to convey to the Peff - W. D. Thomas the tract of land in said exhibit A. mentioned with covenants of Special Warranty. and with like covenants of warranty he will convey to the Peff - W. Bales the title to the tract of land in said Exhibits B & C. mentioned and described and said commissioner will report his action to the court and until the coming in thereof the case is continued.

Bales & Thomas.

no. 3 Decm No. 1

Joseph P. Bishop tel

Entered pages 11 & 12

to the 1st of all

Enter this decree
Decr 8 1887

H. d. H. M.

Prior W. Bates & W. D. Thomas

Peff

vs.

Joseph P. Bishop, Wm. M. Warren, ~~Henry~~ Warren.
Theresa Warren, Larkin Warren, Mary J. Jones:
Martha Ely, Sarah Jones and Dr. . . . Jones, Jesse
S. Mier, Susan Mier, George Doyle, Malinda Doyle,
Eustacia Snodgrass, ~~Charles~~ ^{John} Andis, ~~Jessie~~
Emma Andis, and Melville E. Andis.

In City.

Defts

I do swear that Joseph P. Bishop Wm. M. Warren. Mary Jones.
Sarah Jones and Dr. . . . Jones her husband. George Doyle, and Malinda
Doyle. Defendants above named are not residents of the state of Va.
as I am informed and believe so helps me god.

S. W. Bates

Sworn to before me the 5th day Augt 1887.

H. J. Morgan

Colis + Thomas

or
3 affd

Joseph P. Bishop - val

Filed Oct 3, 1887
S. A. Lyntree

Boles and Thomas.

Peoffs.

vs.

Joseph P. Bishop & al

Defts

} In Chy

To the Hon. H. S. K. Merison Judge of the Circuit Court of Lee County Va.

As directed by your decree entered in this cause on a former day of the present term, I have made executed and acknowledged for record two deeds of conveyance which are herewith filed marked AB + AC. By the first of which I have conveyed to the Peoff Wm. D. Thomas the tract of land sold by Dift Bishop to him as shown by exhibit A, with Peoffs bill supposed to contain 74 or 75 acres with covenants of Special Warranty. and with like covenants of Warranty I have by the second deed conveyed to the Peoff Prior W. Boles the tract of land in the bill mentioned containing 138 1/4 as shown by exhibit B & C. with Peoffs said Bill.

All which is respectfully submitted

Henry J. Morgan Special Comr.

Bales & Thomas

in 3 Cont. Report of deeds

Joseph P. Bishop & al.

Filed Dec. 8th 1857

J. G. Hyatt & Co

Know all men by these presents, that I, Joseph P. Bishop of Lee County in Virginia, am held firmly bound to William D. Thomas on the personal sum of five hundred & ninety eight dollars to which payment well truly to be made to the said Thomas, his executors, administrators, or assigns, I bind myself, my heirs, executors, & administrators firmly by these presents. Given under my hand & seal this 14th day of February 1870.

The condition of the above obligation is such, that whereas the said Bishop has sold to the said Thomas a certain parcel of land parts of the tract which formerly belonged to Harrison Warren & now belonging to said Bishop, containing between $\frac{1}{4}$ & seventy five acres, & adjoining the lands of the said Thomas; for the price of \$298. — secured to be paid to said Bishop, (of which one hundred dollars is this day paid as per receipt); Now, therefore, if the said Bishop shall make, or cause to be made, to the said Thomas a good deed thereto ~~and~~ when a conveyance shall be made to him by the order of the Circuit Court of Lee County, then the above obligation is to be void, otherwise to be in full force.

Teste,
J. P. C. Johnston

Joseph P. Bishop

Mr Boles I have a deed from you
for 35 acres of this land. you know
all about this. W. D. Thomas

Joseph R. Bishop
to Littleton
Wm L. Thomas.

(A)

Know all men by these presents, that I, Joseph P. Bishop, am held and firmly bound to Prior W. Bowles in the sum of Eleven hundred dollars, lawful money of the United States, to the payment whereof to the said Bowles, his executor, administrator, or assigns, I bind myself, my heirs, executor, & administrator, firmly by these presents, if default shall be made by me in the performance of the condition hereunder written. Sealed with my Seal this 23rd day of February 1871.

The condition of the above obligation is such, that whereas I have sold to the said Bowles, for the sum of five hundred & fifty dollars, a certain tract or parcel of land, lying in Lee County, in Virginia, being the tract of land which belonged to Harrison Warren at the time of his death, except a part thereof which I have sold to William Thomas off the east end, containing by estimation about forty acres, & excepting also a small parcel of said tract sold to Mrs. Catherine Warren in the Southwest part of the tract including the dwelling house where she lives and the orchard & supposed to contain something less than twenty acres, the said tract of land being the same which was sold under a decree of the Circuit Court of Lee County and bought by me; Now, therefore, if I shall make and deliver to the said Bowles a good and sufficient deed of conveyance therefor, duly acknowledged for record, with covenants of general warranty, when the said purchase money shall be fully paid, then the above obligation is to be void & of no effect — otherwise, To be and remain in full force.

Teste, P. C. Johnston.

Joseph P. Bishop, Seal

Joseph P. Bishop

To $\frac{2}{3}$ Little band

Prior W. Bole

(23)

Joseph P. Bishop
to $\frac{2}{3}$ Little band.
Prior W. Bole



At p. M. Boles Lee Co. Va.
Aug 3rd 1887

Hon. H. J. Morgan
Jonesville
Va.

Dear Sir:—

I have run the within
lands of Mr. Boles accurately, and the boundaries
are well set up by natural boundaries and
marked lines — I am just off of the survey
and making a hasty report of ^{same} and any thing
that may be necessary, that I can further do
I will do — He says the deed will have to
be by a decree of your Court.

Yours Respectfully
L. M. Jarvis

Plat and
Survey of the
lands of J. W. Boles

138 $\frac{41}{60}$ Acres

16

October 9th 1871
General P. C. Johnson

Sir

Yours
will please make Prior W Bales
a title to the land I bought from you
as Commissioner said land belonging
to the Est of Harrison B Warren
dest Bounded as follows Beginning
at a stake on Brooks line near a popular
thence Northwardly with Williams & Thomas
line to the top of Waldens ridge to said
Williams Thomas corner thence meeting
with the top of said ridge to the line
of Isaac Hughes dest thence Southwardly
with said Hughes line to black oak
corner of Catharine Warren and Prior
W Bales on or near said line
thence Eastwardly to a stake near
a Spring thence Southwardly to
~~Brooks line~~ ^{Brooks line} thence easterly

with said Thomas line to the
Beginning retaining at the same
time a claim on said land until
said Prior W. Boles shall make or
cause to be made full payment of all
the purchase money to Elisha Bishop
Yours Respectfully

E. Bishop

- 1 Wm. M. Warren Missouri
 - 2 Nancy Warren. In Co
 - 3 Theres - Warren. " "
 - 4 Sarah in Warren. " "
 - 5 Mary J. Warren (Married Marshall Jones now dead. In Co
 - 6 Martha Warren Married A. H. Ely - " " " "
 - 7 Sarah Warren " Dr. James, Tenn.
 - 8 Susan Warren " Jason S. Wise In Co
 - 9 Malinda Warren " George Doyle Texas.
 - 10 Endocia Warren " Henry Goodgrip. later dead. In Co Va.
 - 11 Laura B. Warren " Melvin Andis, the former is dead. Left three children, to wit, ^{Wm} Charles Andis, ~~Jessie Andis~~, Emma Andis and Mary E. Andis.
- Joseph P. Bishop. Missouri

Memorandum only

Virginia

At Rules Read in the Clerks office
of the Circuit Court for Lee County on
Monday the 3rd day of October 1887

Prion H. Boles & Wm. D. Thomas

Plffs

vs

Joseph P. Bishop & others

Defts

In Chancery

The object of this suit is to obtain
a legal title to the land in the Bill
and proceedings mentioned.

And it appearing from an affidavit
filed in this cause that the Defendants
Joseph P. Bishop, Wm. M. Warren, Sarah
Jones, Dr. — Jones George Doyle
and Malinda Doyle are now
residents of this State: — It is
therefore ordered that they
appear here within one month
after due publication of this order
and do what may be necessary
to protect their interest in this
suit.

Copy

J. F. Morgan D. C.

Teste J. A. Hyatt c. c.

Wiles & Thomas
Order Pub
No 3

Joseph P. Bishop

I certify that I
delivered to the
"Amherst Eagle"
a true copy of this
order Oct. 3, 1887
for publication
and posted a like
copy thereof on the
front door of Lee
Court House on
the first day of the
October Term 1887 of
the County Court.

J. H. Hyatt

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Joseph P. Bishop, Wm. M. Barker, Nancy W. Barker, Thomas W. Barker, Lucile W. Barker, Mary J. Barker, Martha J. Barker, James J. Barker, Dr. J. J. Barker, James J. Barker, Susan J. Barker, George J. Barker, William J. Barker, Andrew J. Barker, Mr. J. J. Barker, and Mr. J. J. Barker.

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *November* next, being rule day to answer a bill in Chancery exhibited in our said Court against *them* by *Joseph P. Bishop.*

and Mr. J. J. Barker

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This *30th* day of *October* 18*87*, in the 11*th* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

J. A. G. Hyatt

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Joseph P. Bishop

*Wm M. Warren, Nancy Warren, Theresa
Warren, Larkin Warren, Mary J. Jones,
Martha Edw. Sarah Jones & Dr. Jones
Jesse & Miss Susan Miss George Doyle
Malinda Doyle, Endocia Snodgrass, Wm
Audis, Emma Audis, and Melville E. Audis*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *November* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *Brian W. Boles*

and Wm D. Thomas.

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This *3rd* day of *October* 188*7*, in the 11*2* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

J. A. G. Hyatt

The Commonwealth of Virginia

To the Sheriff of Lee County, Virginia:

We Command You to Summon
J. M. Warren

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in _____ next, being rule day to answer a bill in Chancery exhibited in our said Court
by _____ against _____

and have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse,
This _____ day of _____, 18____, in the 11____ year of the Commonwealth.

Clerk.

A Copy Teste

L. M. D. L. Grobed Editor
and Publisher of the Cumberland
Eagle a newspaper published
in the town of Knoxville
You do certify that the ^{notice}
following non-resident
appeared in the Eagle
four consecutive times
ending Oct. 30th 1887
and the printer fee
is \$5.00
Nov 28 1887.

VIRGINIA — At rules held in the Clerk's
office of the Circuit court for Lee county
on Monday the 3d day of October 1887.
Prior Boles & W D Thomas, PLE.
vs.
Joseph P. Bishop et al Defs.
IN CHANCERY.
The object of this suit is to obtain a legal ti-
tle to the land in the Bill and proceedings
mentioned. And it appearing from an affida-
vit filed in this cause that the Defendants Jo-
seph P. Bishop, Wm. M. Warren, Sarah
Jones, Dr. — Jones, George Doyle, and
Malinda Doyle are non resident of this State:
It is therefore ordered that they appear here
within one month after the publication of this
order and do what may be necessary to pro-
tect their interest in this suit.
A copy tests
H: J. M., P. Q. J. A. G. Hyatt, C. C.

Bales & Thomas

as $\frac{1}{2}$ Certificate of Pub.

Joseph P. Bishop